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52. (Amended) An elongate fastener comprising:

(a) an elongate member having opposing first and second ends;

(b) a single wing pivotally engaged about an axis adjacent said first end with the elongate member having a flat outer portion with a width substantially parallel to said axis and such that it is pivotable at a position approximating the lengthwise center of the wing; and

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(c) a collet engaging surface opposite said flat surface.

## REMARKS

Claim 34 stands rejected under 35 U.S.C. §102(b) as being anticipated by Dzus in US Patent 2,485,531. In view of the amendments above and the following remarks, the applicant requests reconsideration of the rejection and allowance of claim 34.

Dzus teaches a threaded shaft with a slot "*in which* is pivotly mounted a locking arm" (Column 2 line 8). The entire arm is perpendicular to the pivot axis, mounted *within* the slot. The locking arm of Dzus contacts the bone along a narrow side edge so its compressive force is concentrated in a very narrow, small surface area, easily exceeding the compressive strength of the already fractured bone, causing additional bone fractures and/or bone splintering.

As can be clearly seen from figures 72-74, the present invention teaches a rotatable member with a flat portion that contacts the bone, external to the slot in the center of the shaft around the rotation axis and parallel to the axis of rotation. The flat portion spreads the compression force over a large surface area of bone, avoiding concentration of compressive forces along a narrow edge that can cause additional bone fractures and/or bone splintering. Clearly the structure of the present invention, as recited in the amended claims, is not similar to that of Dzus and provides significant advantages over Dzus.

Applicant respectfully traverses the rejection of claim 34 based on Reese in US Patent 4,903,692 under 35 U.S.C. §102 (e), in view of the amendments. Clearly, Reese does not teach a "winged element that is pivotally engaged" to the longitudinal shaft.

In view of changes to claim 52, applicant submits that claim 52 represents a sub-combination of species (MPEP §806.5) that is required for operation of the invention, since the combination includes substantially all of the limitations of the sub-combination.

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In view of the above arguments, applicant submits that independent claim 34 and dependent claims 35, 40, 43 and 47 and independent claim 52 and its dependent claims, are patentable over the art cited. Notice to this effect is respectfully awaited.

In the event that the Examiner cannot issue a notice of allowance, the Examiner is respectfully requested to call the undersigned at (toll free) 1 (972) 56-758-096. This number connects directly to the undersigned's mobile telephone in Israel. Note that Israel is 7 hours ahead of Washington, and that the normal work week is Sunday through Thursday. The undersigned can usually be reached until 1:30 PM Washington time at the above number. Alternatively, please use the address listed below for sending correspondence to the Applicant.

Respectfully submitted,

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**Version with Markings to Show Changes Made**

34. (Amended) An orthopedic fastening system comprising:

(a) an elongate fastener adapted for installation into a bore in a bone and comprising a collet engaging [means] surface:

(b) a single winged element [movably] pivotally engaged with a first end of the elongate fastener such that it is pivotable about an axis adjacent said first end and having a flat outer portion with a width substantially parallel to said axis and a [or] length larger than the diameter of the bore into which the fastener is to be installed; and

(c) a collet engaged with a second end of the elongate fastener.

52. (Amended) An elongate fastener comprising:

(a) an elongate member having opposing first and second ends;

(b) a single wing pivotally engaged about an axis adjacent said first end with the elongate member having a flat outer portion with a width substantially parallel to said axis and such that it is pivotable at a position approximating the lengthwise center of the wing; and

(c) a collet engaging [means] surface opposite said flat surface.